BEFORE THE



## Federal Communications Commission

#### WASHINGTON

In re Applications of	) MM [paket No. 93-94
SCRIPPS HOWARD BROADCASTING COMPANY	) Fi ∈ va. BRCT-910603KX
For Renewal of License of Station WMAR-TV, Baltimore, Maryland	) ) )
and	)
FOUR JACKS BROADCASTING, INC.	) Fi=∈ Nc. BPCT-910903KE
For Construction Permit for a New Television Facility on Channel 2 at Baltimore, Maryland	) ) ) )

To: The Honorable Richard L. Sippe Administrative Law Judge

#### FOUR JACKS EXHIBIT 5

# LETTERS OF CRITICISM AND COMPLAINT FROM THE PUBLIC REGARDING WMAR-TV

FOUR JACKS BROADCASTING, INC.

Martin R Leader Kathryn R. Schmeltzer Gregory ... Masters

Its Attorneys

Fisher, Wayland, Cooper and Leader 1255 23rd Street, N.W. Suite 800 Washington, D.C. 20037 (202) 659-3494

Dated: October 26, 1993

Federal Communications Commission					
Docket No. 93-94 Exhibit No. FIVE					
Presented by FUNR JACKS					
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Dispostion	Received				
	Rejected				
Reporter MK FLEISHMAN					
Date 11/08/93 april 11/12/93					

# ORIGINAL

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## DOCKET FILE COPY ORIGINAL

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Dated: October 26, 1993

SZYOK Normandy Woods Dr Ellicott City 1 Maryland 21043-4271

SH0010222

June 4, 1991

To the Program Director:

This letter is to register my disappearment concerning your decision not to carry the NBA playoff games in their entirety, or at all. In particular I am upset that on last Thursday your station ran the Orioles game and was going to join the Western Conference Final in progress after the baseball game, but it ran late. I know that the Oridles are the only sporting action in town and they are a big draw for you, but I feel that a NBA playoff game has a higher importance than a regular season basefull game. Then on Sunday you had the Childrens Mirade Network Telethon on instead of the gene. It's hard to be against a cause like this, but I feel you could have run the playoff game (Game One of the championship) later in the day or night. Of course the teletion was a great way for your - news gang to be honey and friendly. This brings up an unrelated complaint

I have with your news show. Since I remand

2.

up here from Rockville last September, I've been trying to find a newscast of i quality. I started with channel 11, and . then your station, but I find your . Show to be too cute and too Short on hard news. I cite your overboard treatment of the memorial day weekend. So now I'm watching channel 13. If they let me down I'll have to get cable so I can watch channel 9 like I used to do. So in conclusion I would sum up my complaints as 1: I feel you pre-empt network shows to essily for Orioles games, or other self-serving programs, and 2: Your news show is to full of fluffy rah rah local stories at the expense of hard news. I actually feel sorry for Stan Stovall having to work under these conditions.

Sincerely, J. Carif

4740 Conn. Ave. NW #806 Washington, D.C. 20008 June 4, 1991

General Manager WMAR-TV 6400 York Road Baltimore, Md. 21212

Dear Sir:

Jon Miller may be the world's greatest baseball announcer on radio. On television he is a total disaster. The poor man doesn't know when to shut up!

What a relief it was Sunday to be able to watch the Orioles and Red Sox on Home Team Sports after having to suffer through Miller on the earlier games in that series. And then he was back at it last night, acting as if he were being paid by the word. For the sake of your viewers and those along the network please send him back to where he belongs.

Sincerely,

Ben F. Phlegar

cc: WDCA-TV, Washington
The Baltimore Orioles

THE CAL

To whom it may concern:

No game I of the nBA Finals (iA. vs Chicago).
who the hell is running your two-bit
T.V. Station. I understand The need for
telethous, but to black out a major
sporting event like this (not to mention most
of the game friday night) is absurd.
Do me a favor, snap out of this
Balts" moron" state of mind and into the
20th century.
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THEW HARRID 1115 North Longwood Street
Baltimore, MD 21216

Sir: I didn't protest when you deleted the basketball game but I wist to express my feelings now. I tweaked my antenna and peered through the snow at channel 4. I couldn't see very much.

I don't believe you exercised proper concern for your viewers who would have preferred the game to the Velethon.

MOTTO from the desk Of...

2

You also alienated thousands of viewers and potential contributors to Suture Telethons by your action. You lost your CBS affiliation by similar behavior. I'm sure that NBC is irked at your

Theel very strongly that you should have arranged another outlet for the game; either an independent station or the local cable company. You had

MONTH from the dealt. of ...

(3)

plenty of advance warning that
the two events would coincide and
yet you made no effort to serve all
of your viewers.

Your attitude that you are right and protestors be damned has prompted me to write this letter and a similar one to MBC. I may write FCC also: Qualenter the

11

502 Z. Broadway Bel Air, MC 21014 June 7, 1991

"irector of Broadcast Operations
c/o WMAR-TV
6400 York Road
Baltimore, MD 21212

Ms. Barr:

I would like to bring to your attention the final tally of NBA pre-emptions during the 1990-91 season (yes, believe it or not, some of your viewers care and keep track of these things).

\*NBA telecasts on 2/3, 2/24, and 3/10 were pre-empted by Jefferson Pi-lot/Raycom ACC basketball games. The 2/3 and 2/24 pre-emptions were doubleheaders.

\*An NBA telecast on 2/18 was not carried in favor of a regular airing of the Oprah Winfrey show.

\*An NBA doubleheader on 4/14 was pre-empted by Orioles baseball.

\*Orioles baseball also pre-empted three NBA playoff games on 5/5, 5/12, and 5/30. The looming pre-emption of game six of the Eastern Conference Finals was averted by a Chicago sweep of Detroit.

\*And, of course, game one of the NBA Finals was pre-empted by the Children's Miracle Network Telethon.

I must admit that I found it quite disconcerting to read the statement attributed to you in the 5/30 edition of the <u>Baltimore Evening Sun</u> in which you claimed you were fully aware that the telethon would cause a conflict with the NBA, but the station believed it would <u>only</u> be pre-empting a game seven of the Eastern Conference Finals rather than an NBA Finals game. Surely no one would have been upset by the pre-emption of such a game seven, would they? Had each conference championship series gone seven games, WMAR would have shown a grand total of one of the four game 6's and 7's. And that one game (on 6/1) would have been joined in progress. I fail to comprehend the decision-making processes that produced this programming schedule. In the same 5'30 article, you were quoted as having said, in reference to an NBA Finals/telethon conflict, "This is unfortunate, but we're trying to make it work for everyone." How, Ms. Barr, does a schedule which I outlined above work for Baltimore-area NBA fans?

While many can complain about your station's actions (and we know many have), I, in addition to my complaints, propose a solution that, if followed, will truly

"work for everyone."

\*Discontinue your carriage of the ACC basketball package or at least the Sunday portion of it. I found it interesting when, on the day of the NBA All-Star Game, WBFF carried that day's ACC game, yet when the NBA telecast was a typical regular-season matchup, WMAR had no qualms about ditching the NBA game for the ACC. If indeed the agreement to carry the ACC games was reached before NBC's acquisition of the NBA, then the situation was unfortunate but understandable. However, unless this agreement was for more than one year, it should not be renewed. Though I have no proof, I cannot see how the college games you aired on Sundays would do well in the ratings going head-to-head against other college games on CBS and ABC which consistently presented

better matchups. It would seem wiser to serve the segment of the audience craving NBA action rather than airing another college game to a heavily fragmented audience. If your station insists on continuing to air Sunday ACC games, then since you obviously struck a deal with WBFF to carry ACC games that you did not want, why not strike a deal with WBFF or WNUV to carry NBA games that you do not want. As long as the deal is made with enough time for the NBA-carrying station to be able to promote the fact that it will be carrying some games, such a situation would appear to benefit everyone. And if WBFF is interested in carrying occasional Sunday and weeknight ACC games (as it currently does), it would probably be pleased to show more of them.

\*The telethon situation was unfortunate, but also very avoidable. Assuming that WMAR does not desire to give up the telethon and that the telethon itself occurs on the same weekend in the future, WMAR has two options that it can utilize to avoid the situation that occurred this year. It can either (a) follow the suggestion of the <u>Tvening Sun's Milton Kent</u> and shorten the telethon by three hours to cover NBA playoff action while still giving phone numbers on the screen for the telethon and having telethon cut-ins where local ads would usually run or (b) make arrangements well in advance with WBFF or WNUV to carry an NBA game if necessary. I do not agree with WBFF's decision not to pick up the game this year, however I can understand its reluctance to make a last-minute programming change. This whole situation could have been avoided this year if foresight was employed. It was not.

\*Schedule Orioles games around designated and potential NBA telecast dates. This suggestion seems to be the simplest of the three. Yet five NBA games, including three playoff games (and it would have been four had the Chicago-Detroit series gone six games), were pre-empted by Orioles telecasts. How can this situation be remedied.

A. There should be no Saturday afternoon or Sunday afternoon telecasts of Orioles games during the last two weekends of the NBA regular-season and during the duration of the playoffs. Only three games this season (all Sunday telecasts) needed to be rescheduled. The games could easily be made up by televising a few weeknight home games or weekday day games. One can look at WDIV, Detroit's NBC affiliate and the flagship station for the Tigers, as an example. WDIV televises some day games on ordinary weekdays. It has been many years since WMAR has carried any weekday day games on non-holidays. The Orioles had three road day games before June that were not carried by WMAR or by HTS. These games could have been carried in place of others that conflicted with NBA telecasts. If day games are proven ratings losers, carry instead a few more home games.

B. When I first saw WMAR's 1991 Orioles schedule, I recognized instantly that the telecasts scheduled for 5/30 and 5/31 would pre-empt potential NBA conference final action. If I, as an average fan, could discern this fact, why were these games scheduled? Was it just shortsightedness or was it a "hope neither series lasts six games" type of decision? If it was the latter, I am afraid your programmers have little feel for

the way a typical NBA playoff scenario unfolds. If your programmers are unaware of what days NBA playoff action occurs, allow me to volunteer my services (free of charge) to, upon publication of the 1991-92 NBA schedule and the 1992 Orioles schedule, indicate which dates are potential NBA telecast dates so games can be scheduled around them. It can be so easy to satisfy audiences for both entities while showing just as many Orioles games at appealing times as WMAR does now if the NBA schedule is kept in mind.

This proposed solution seems to me to be quite attainable. I would greatly welcome a response from you on this proposal regarding its feasibility (or lack thereof). I would certainly appreciate hearing of any difficulties that I may not have considered in constructing this solution. Thank you for taking the time to read this letter.

Sincerely,

Greg Petrosino

502 . Broadway Bellair, MC 21014 June 3, 1990

Editorial WMAR-TV 6400 York Road Baltimore, M 21212

This letter is written with regards to Arnie Kleiner's editorial on June 6. In the oditorial Kleiner said "shame on you" to Baltimore-area NBA fant who complained to WMAR when the Children's Miracle Network Telethon pro-empt of game one of the NBA Finals. The tone in which he presented his opinion left the impression that envone who dicagreed with his argument was selfish. The argument was the "what's more important - a basketball game or helping sick children" one which he is assured of winning every time. I am in full agreement with the belief that the telethon is a very worthy cause. However, if Mr. Kleiner wishes to see selfishness, he and the people who program WMAR need look no further than in their own mirrors. His station's network, NBC, acquired the rights to the NBA as of last season. With this acquisition WMAR acquired the responsibility of serving the NBA audience that previously watched CBS. Instead of scheduling with this new audience in mind, WMAR (with the exception of one June series in Toronto) scheduled Orioles telecasts, regional ACC telecasts, and telethons on days that it was fully aware that conflicts with NBC NBA telecasts would or could occur. The argument that NBC told WMAR that the NBA Finals would not begin on the telethon date does not hold water, for WMAR, as documented in the May 30 edition of the Evening Sun, scheduled the telethon with the prior knowledge that it could pre-empt game seven of the Eastern Conference Finals. The bottom line is that WMAR was aware that NBA playoff action could be pre-empted and scheduled the telethon anyway, simply because the game it felt could get pre-empted was not of the 'magnitude' of the Finals. This season's scheduling resulted in the pr - mption of 11 NBA games. That figure is not just one or two, Mr. Kleiner, it is a double-<u>digit</u> number. The most egregious example of this lack of consideration for WEA fans occurred during the four day period from May 30 to June 2 in which WMAR knew a conference final game could occur on each day. WMAR's schedule allowed only one of the four potential games to air (June 1). And that game would have been joined in progress. I truly believe that if game one of the NBA Finals had been the only game that had been pre-empted all season, that WMAR would not have received the amount of calls that it did. You would have received complaints, but more people would have felt that since this pre-emption was a singular occurrence, it must be worthwhile. However, since a myriad of other things were allowed to pre-empt NBA games, when something worthwhile pre-empts one it becomes difficult to distinguish it from everything else that has pre-empted the NBA. I find it particularly interesting that all NBA playoff pre-emptions (other than the telethon) were by Orioles regular-season telecasts (which, taken as objectively as possible, do not carry the importance of the NBA playoffs). Could this circumstance be because WMAR makes a lot more money from ad revenue from an Orioles game than from an NBA playoff telecast? Making money at the expense of the displeasure of a large segment of your audience - that action sounds like selfishness to me. For that selfishness, and for your selfish scheduling that ostracized MBA fans time and time again, I say "shame on you, Mr. Kleiner." I hope that future scheduling is never constructed in the image of that which occurred during the 1990-91 NBA season.

Sincerely,

Greg Petrosino

- TO: WMAR TV 2, "SO-CALLED" NETWORK AFFILIATE

YOU HAVE REPEATEDLY CHOSEN TO SWITCH NBC PROGRAMMING FOR SELF-SERVING LOCAL SHOWS. TO THIS I SAY NOT EVERYONE IS A BASEBALL FAN AND FURTHER, NOT EVERY BASEBALL FAN IS AN "ORIOLE'S" FAN. I AM A SUBSCRIBER OF COMCAST CABLE FOR THE PURPOSE OF RECEIVING CLEAR RECEPTION OF PROGRAMS AND EVENTS THAT ARE INTEREST TO ME. YET THIS EFFORT IS CONTINUALLY THWARTED BY YOUR PROGRAMING PRACTICES AND POLICIES. I AM GREATLY INTERESTED IN NBA BASKETBALL AND I CAN EXCEPT AND UNDERSTAND NOT BEING ABLE TO VIEW MY FAVORITE TEAMS DURING THE REGULAR SEASON, REALIZING THE DIFFICULTIES INVOLVED, HOWEVER; WHAT I FAIL TO UNDERSTAND IS WHY WMAR CHANNEL 2 PURPOSELY REFUSES TO AIR SEMI-FINALS AND FINALS PLAYOFF GAMES.

ITEM: MAY 26 1991 GAME 5 OF THE WESTERN FINALS WMAR AIRS BASEBALL

ITEM: MAY 30 1991 GAME 6 OF THE WESTERN FINALS WMAR AIRS BASEBALL

ITEM: MAY 26 1991 GAME 1 OF THE NBA FINALS

WMAR AIRS THE MIRACLE NETWORK TELETHON

(A WORTHY CAUSE BUT I WOULD HAVE BEEN

MORE MOTIVATED TO CONTRIBUTE IF IT HAD

BEEN AIRED AT ANOTHER TIME)

THESE ARE JUST A FEW EXAMPLES FROM A MULTITUDE OF INSTANCES, WHICH INCLUDE MORE THAN JUST SPORTING EVENTS. SINCE COMCAST CABLE VISION DOES NOT PROVIDE ANY OTHER NETWORK AFFILIATES, I WAS FORCED TO WATCH A WEAK SNOWY INTERFERENCE FILLED PICTURE FROM THE WASHINGTON AFFILIATE. THIS SITUATION IS UNACCEPTABLE. THEREFORE IN FUTURE WHENEVER WMAR CHOOSES TO PRE-EMPT PROGRAMING I WISH TO VIEW, I WILL ASCERTAIN WHO IS SPONSORING THE REPLACEMENT PROGRAMING AND REFRAIN FROM PURCHASING THOSE PRODUCTS MYSELF AND ENCOURAGE ANY PERSONS FEELING THE SAME TO DO LIKEWISE.

NOTE: FOR SUNDAY'S GAME, JUNE 2 1991;
1200 PRESS CREDENTIALS WHERE ISSUED IN CHICAGO
THE GAME WAS SEEN IN OVER 70 COUNTRIES
BUT NOT IN BALTIMORE!
WHY?

A DISGRUNTLED VIEWER

K.A. JOHNSON

### 125 N. Luzerne Avenue Baltimore, Maryland 21224

General Manager WMAR-TV, Channel 2 6400 York Road Baltimore, MD 21212

Dear Sir or Madam:

I am writing to express my extreme displeasure at your station's decision to pre-empt Game 1 of the NBA Finals by showing a telethon. Why couldn't the telethon be shown on Channels 45 or 54?

If I remember correctly, it was just this sort of activity that prompted CBS to drop your station some time ago. Now that Channel 45 has increased it's power, maybe we'll be lucky and NBC will drop Channel 2 like CBS did, opting to affiliate with Channel 45. Then your station could be independent, which seems to be what you desire anyway.

Sincerely,

Hale Helen

Harlan H. Thacker

WMAR makes BAltimore
bush league. For the second
consecutive to you have not
broadcast an NBH playoff
game and one a championship
game. You need to get a new
you!

Gary Coleman.

I feel I can't tens Channel 2 augmno- why Why?? - do you enterfeed mil network program -? no - I , are brundreds of others no not backal funs, if were I'd match it in carte! Sunday mile - a good same -2 cloque fixed nailing for 9:00 and what did they got- ha I don't ham My you don't go 24 hours sports Im have innered my VER a former watches 7.5, "Block Duster" said Thank yay !!

Dear Sir or Madam:

with the "glut" of sporting events on television, the announcing of these games has greatly deteriorated.

Who ever dreamed up the idea of the extras to provide "color" or in-depth analysis really blew it. A knowledgeable sportscaster is enough. Now we have an analysis of EVERY minute of every event, and to top that, an analysis of the analysis. Some are worse than others.

For many year I enjoyed listening to and/or watching the events. I do not wish to keep the mute button on during the entire time, but now, with some of the "extras", it is that or turn it off completely. For some time it has been the latter option. This hurts your advertisers. I would not touch any of the "ad" items with a ten foot pole.

Participation in a sport, at what ever level, does not necessarily confer upon that individual what it takes to be a top-notch sportscaster/announcer. Since they seem to like the sound of their own voices, a talk show would be their forte. They seem to think it is necessary to fill every minute with endless trivia.

It is time to improve the airing of events. You can begin by really listening to events on your channel.

why not conduct a poll to find out how the viewers feel about the endless chatter, or second guessing, and generally "diarrhea" of the mouth.

Very truly yours

PH

Joseph M. Peightel 618 Bracside Road Baltimore, Maryland 21229

June 26, 1991

Mr. Arnold J. Kleiner General Manager WMAR Television Channel 2 6400 York Road Baltimore, Maryland 21212

Dear Mr. Kleiner:

As a daily viewer of Channel 2 News at 5:00 I feel compelled to write to complain about Channel 2's coverage of the failure of the C & P Telephone Company's network that I viewed on this evening's broadcast. I found your report to be superficial, slanted, and frankly, sifty in content.

I realize that C & P's service disruption was a major event of the day's news, and I feel it's Channel 2's responsibility to provide its' viewers with accurate information about the event, the causes, and the ramifications of this problem. I question however, the value of Yelanda Grahm's attempt to phone home to her answering machine. The reporter's repeated use of the word "meltdown" seemed to have been chosen to sensationalize the situation rather than clearly describe the malfunction. Further, please advise Mary Beth Maraden, that my company endeavors to please all of our customers, not just 9 out of 10 of them, as she misquoted the slogan referring to users of <u>The C & P Talaphone Yollow Pages</u>. Additionally, I feel that most of your viewers who spent most of the day trying to complete a call, may not have seen the humor in your anchors staring wistfully at telephones at the close of the program.

In the future, I hope that Channel 2 News will try to treat their viewers with the respect that they deserve, and not continue to insult their intelligence by "dumbing down" when reporting on subjects of a technical nature.

Cordially.

seem M. Peightel

C & P Telephone Company

WMAR\*T! Channel 2 T ti hal Broadcasting Co. 6000 York word, Baltimore, Targuard 21212
Att: Armie Bleinor - Jenural Manager

For a long time I have been angery and fugtrated over the "bumping" off that channel ? has been doing with programs. To are now seeing it some unimore now that you are broadcasting the Orl. led games. On Sunday, June 23 the TV Calle listed baseball starting at 2:00 from Manday lity and ending at 5:30. After that the regular programs would start according to the TV Calle.

At ):33 you listed a movie, <u>M.T. LISTICH</u> that we have seen waiting a long time to see. A classic with a marvelous sast and seven Acalemy Award meminations. At 9:30 we trend it on ana you had decided to show the second game, not listed, of the Orioles. "This was the last straw". I finally had to write and protest this decision and hope that other viewers would do or at least call the station. I still can't get over it; over eight and a half hours of baseball. The other thing that disturbed me was that no one at your station break in and mentioned that the movie would be seen at a later date.

I had thought channel 2 had a policy of a complete rounded series of programs for <u>all</u> viewers in the broadcasting area. Evidently this is not true; the bottom line is **ix** high <u>PATING</u> and nothing else matters.

If you have the time I would appreciate hearing from you.

Very truly yours,

121 Mestbury Road Lutherville, Md. 21093 Edwin L. Marshall

July 3, 1991

MT 8 MT

July 5,1991 Sear Mr. Kleiner Cruze chace thousands and chance of domin have taker. So what is se special what Sally therner? lared of hiermorrhant hir Congratulation Saily, Helcome toch Sally. The miss ejace Sailey Congrate on ejacer tothey hay, Aure fach Salley etc. Sure ité à blocsed évent but I think the ruewen cauld care low. Dam, and I know many others who are also. Sincerely Ral Proaks

Mr. Battery F. Greate 432 Ethno S Batteriore, MD 21224-2722 4902 W Hills Rd Baltimore MD 21229-1248 20

Jan concelleten 1 the Onish Jame to-day is just unather example of the Julie he danned, emplayer he-Clamed attitude of a decardent TV station I have been nieming TV basebell James since they first originated and I want to say chat without a cloubt, and my view is should by a quest member of fune, that your telessate are the worst I have enter seen, Mair camera mont is atracies you can't follow the ball, face frue commencial too long, ofter into the play and you show too many The refuelment stand, the bat rack) so that stee when play is resumed the plan's over and sometimes the teams are Changing sides, Fire producer!
Please, ment year, do us all a favor and don't bid on the central, (spile Overle are still here. Werland I Dem

Hear Lie acder wy cyniam let I would like you to explain "Franks you can tunto - your slogan I hear as mun as I do the man "Have a ma day. (. Will you bring me children soup of I'm ill. & well you less we morey of I'm short Jeach 3. Well you conver "fan" letter of 9 sen there. 4. Well gun hear wy troubles of 8 care to shaw. In reader Herews, Melveur The sports - a few mile Me every oter channel bylegare Jon " & frame Theres tunks Lac Mile SH0010289